

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Michael Withers,

Plaintiff,

v.

Franklin County Sheriff, et. al.,

Defendants.

Case No. 2:05-cv-00028

JUDGE GRAHAM

OPINION AND ORDER

Michael Withers ("plaintiff") originally brought suit alleging a deprivation of his civil rights. Specifically, plaintiff, an inmate in the Franklin County Jail, was denied access to the law library of the Franklin County Correctional Facility. Plaintiff sought access to the law library for research regarding his *pro se* civil case against the City of Columbus Police Department and several of its officers. Defendants do not dispute that plaintiff was denied access to the law library. Rather, defendants filed a motion to dismiss pursuant to Fed. R. Civ. Proc. 12(b)(6), arguing plaintiff has no right to access a law library for the purpose of pursuing a civil action that is not a direct or collateral attack on his conviction or a challenge to his confinement.

Before a decision was reached on the merits of defendants' motion, plaintiff moved to dismiss this action because he was leaving the Franklin County Jail. Pursuant to Fed. R. Civ. Proc.

41(a)(2) this court hereby dismisses plaintiff's complaint.

It is so ORDERED.

s/James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: September 12, 2005